Portraits of the first 11 Chief Justices are displayed in the three courtrooms. Photographic portraits of all Chief Justices and Justices who have sat on the Court since its inception are displayed along the wall outside Courtroom 1.

Commemorative Plaques

A feature wall at the lower entrance to the building commemorates the present and former Chief Justices and Justices of the Court. Each plaque has the name of the Justice and his or her period of service.

Also adjacent to the lower entrance is a plaque commemorating the laying of the building's foundation stone in 1975 by Gough Whitlam, the then Prime Minister of Australia. On the large column as you enter the Public Hall is a plaque to commemorate the contribution to the establishment of the High Court building as the seat of the High Court of Australia by the Right Honourable Sir Garfield Barwick AK GCMG.

Sitting and Opening Hours

The High Court building and sittings are open to the public. More information can be found on the High Court website: **www.hcourt.gov.au**

GUIDE TO ORAL ARGUMENT

General Procedures

Most cases heard by the High Court are appeals from the Supreme Courts of the states and territories, the Federal Court of Australia or the Family Court of Australia. At least two Justices considering an application for special leave to appeal (see below) will have selected the case as being sufficiently important to deserve the Court's consideration. Some cases actually begin in the High Court. These are mostly cases involving the interpretation of the Australian Constitution, or disputes between states, or between the Commonwealth and one or more states. Matters raising constitutional questions may involve the intervention of some or all of the Attorneys-General for the Commonwealth, the states and the territories.

Oral Argument

A barrister for each side of a case has an opportunity to make a presentation to the Court and answer questions posed by the Justices. Beforehand each side files written submissions outlining the legal arguments to be presented on behalf of each party. The Justices read the submissions prior to argument and are thoroughly familiar with the appeal, its facts and the legal position that each party is advocating. Applications for special leave to appeal are generally heard in Courtroom 2. Sometimes these matters are heard by video-link, with counsel addressing the Court from a remote location (usually Adelaide, Brisbane, Darwin, Hobart or Perth). Oral argument in special leave applications is governed by special time limits.

Court Judgments
In applications for special leave to appeal the Court generally announces its decision at the conclusion of argument. For other Full Court hearings the usual practice is for the Court to reserve its decision. Justices prepare written reasons for their decisions, which are handed down formally in open court at a later date. Judgments, judgment summaries and transcripts of the Court's proceedings are available free of charge on the internet at www.hcourt.gov.au

Sitting Schedule
The Court usually sits for two weeks each month, except in January and July. When the Court is not sitting, the major part of the Justices' time is taken up with the preparation of detailed written reasons for their decisions. The Court hears most cases in Canberra but, subject to it having sufficient business, it may also sit in Adelaide, Brisbane, Hobart and Perth.

Additionally, the Court sits in Sydney and Melbourne to hear applications for special leave to appeal. The Court's sitting schedule is published before the beginning of each calendar year.

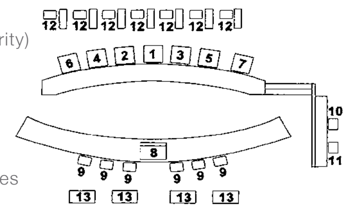
Participants in the Courtroom

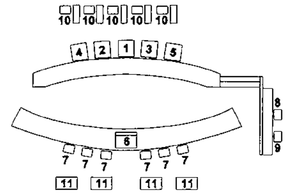
As you enter the courtroom, it may be helpful for you to understand the various roles of the people you are about to see.

Justices
The Justices enter the courtroom through a door to the right of the Bench. The Justices take their places on the Bench in order of seniority with the Chief Justice, or the most senior Justice, in the centre and the others alternating in seniority from left to right (as you face the Bench) with the least senior Justice on the far right. Except in the case of the Chief Justice, the seniority of the Justices is determined by the date of their appointment to the High Court.

Clerk of the Court
During sittings, one of the Justices' Associates occupies the Clerk's desk which is situated to the right of the bench in Courtrooms 1 and 2. The Associates take turns at clerking, except for matters in Courtroom 3 where the single Justice is always attended by his/her own Associate and a Registrar sitting in front of the Bench. The Clerk records the proceedings in abbreviated form in the Court minute book. Details include the title of the case, composition of the Bench, appearances by counsel, timings when counsel commence and finish speaking, adjournments and pronouncements by the Bench. The Clerk also times the oral presentations in special leave applications and controls the counsel warning lights on the lectern. When reserved judgments are delivered, an additional Associate attends in Court to collect the written judgments from each of the Justices as they are pronounced and delivers them to the Clerk for noting in the Court minute book.

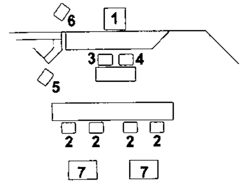
COURTROOM ONE
1-7 Justices (in order of seniority)
8. Lectern
9. Counsel
10. Clerk of the Court
11. Court Crier
12. Tipstaves
13. Instructing Solicitors' Tables





COURTROOM TWO
1-5 Justices (in order of seniority)
6. Lectern
7. Counsel
8. Clerk of the Court
9. Court Crier
10. Tipstaves
11. Instructing Solicitors' Tables

COURTROOM THREE
1. Justice
2. Counsel
3. Clerk of the Court
4. Registrar
5. Court Crier
6. Tipstaff
7. Instructing Solicitors' Tables



Court Crier
The Court Crier sits to the right of the Bench beside the Clerk in Courtrooms 1 and 2 and sits to the left of the Bench beside the witness box in Courtroom 3. His/her role is to formally open and close the sittings each day, maintain decorum in the Courtroom, relay files, documents and judgments to the Court Reporter and the Registry and ensure that no person other than a barrister, instructing solicitor or unrepresented litigant proceeds beyond the bar rail.

Associates
Each Justice has two Associates who take turns performing tipstaff duties for their Justice in Court. As tipstaves, Associates sit behind the Justices in Courtrooms 1 and 2, and to the right of the Justice in Courtroom 3. They prepare all the legal reference books for each sitting day and keep these on trolleys beside them. As the barrister at the lectern makes reference to written authority, each tipstaff hands the relevant text to their Justice.

Legal Practitioners
The barristers scheduled to argue cases are seated at the bar table facing the Bench. The court attire (robes and wigs) worn by barristers appearing in appeals to the High Court is determined according to the court attire customarily worn in the state or territory in which the barristers practise.

Before a single Justice (in Courtroom 3) barristers do not wear robes or wigs because these are preliminary hearings in a case and not before the Full Court. The barrister making submissions stands behind the lectern in the middle of the bar table, except in Courtroom 3 where barristers address the Bench from their respective sides of the bar table. Solicitors sit at the tables behind the barristers. The solicitor instructs and assists the barrister on behalf of the client.

Court Etiquette

The High Court building is open to the public. We request your cooperation in respecting our restrictions and requirements for visitors. Court Guides are stationed around the Public Hall and will advise you of courtroom protocol. It is customary, as a matter of respect to the Court when it is in session, that you bow on entry into the courtroom and again on leaving. Please remain silent while inside the courtroom and in the area immediately outside its entrance. We do not recommend bringing infants or very young children into the courtroom while the Court is in session.

To contain the flow of people in and out of the courtrooms, and as a mark of respect to the Court, visitors are requested to remain in the courtroom for at least 10 minutes. We ask that you do not take any of the following items into the courtrooms when the Court is in session: mobile phones, cameras, ipads, computers, recording devices or any other electronic equipment.

The Court does not allow newspapers or other documents that may cause disruptive rustling in the courtroom. You should be appropriately and neatly dressed, including footwear. Large bags, backpacks and bulky items are to be surrendered at the door or left with the security guard at the main entrance to the Public Hall (Level 2). Smoking is prohibited throughout the building. Food and drink may only be consumed in the cafeteria or outside the building, except at functions.

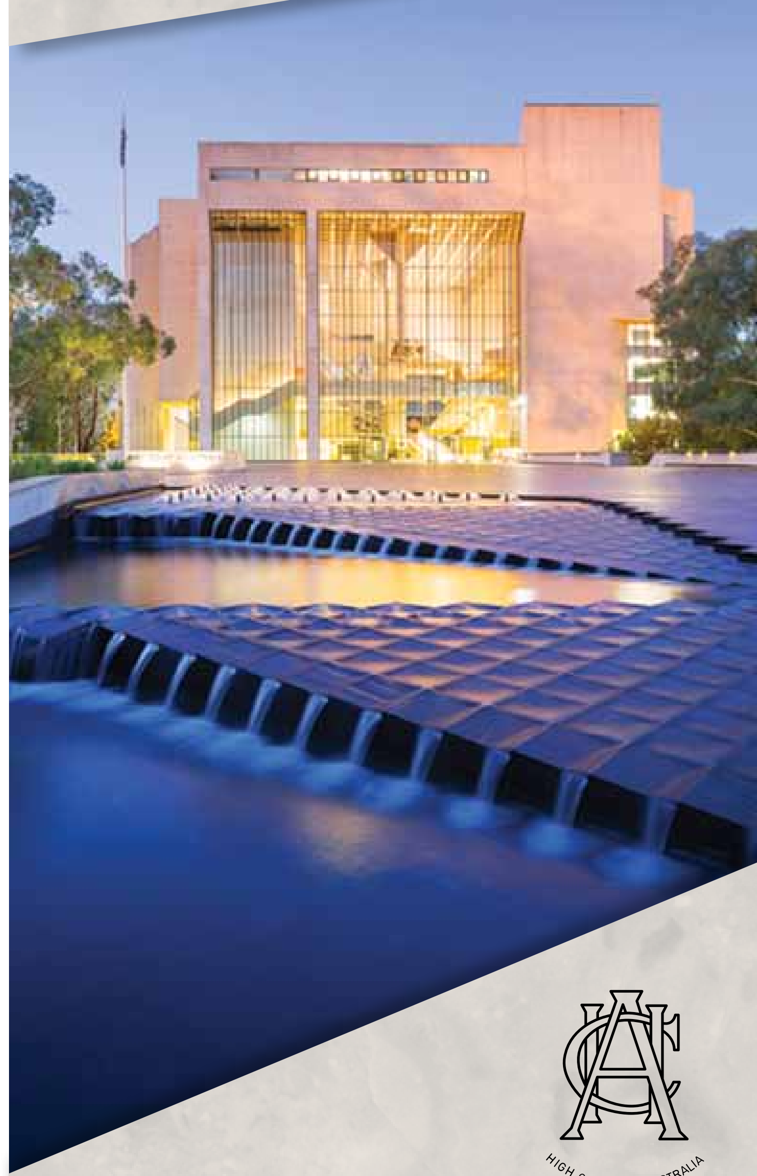
Visitor Services

Information desks are located at the Ground Floor and Level 2 entrances and Court Guides are on duty throughout the building to assist you during your visit. An exhibition area and a video about the role of the Court are located in the Public Hall.

For visitors with a disability, a wheelchair is available upon request. Access to the courtrooms is either by ramps or elevators. Please ask Court Guides for assistance.

HIGH COURT OF AUSTRALIA

www.hcourt.gov.au



HIGH COURT OF AUSTRALIA

What is the High Court?

The High Court of Australia is the highest court in the Australian judicial system. It has its origins in the Australian Constitution, section 71 of which states: "The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other courts as it invests with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, no less than two, as the Parliament prescribes." The functions of the High Court are to interpret and apply the law of Australia; to decide cases of special federal significance including challenges to the constitutional validity of laws; and hear appeals, by special leave, from federal, state and territory courts.

History of the Court

The first sitting of the High Court took place in the Banco Court of the Supreme Court in Melbourne on 6 October 1903. It was a distinguished bench, comprising three people who had been prominent in the federation movement:

- Chief Justice Sir Samuel Griffith, former premier and former Chief Justice of Queensland.
- Sir Edmund Barton, the first prime minister and leader of the Constitutional Conventions.
- Richard Edward O'Connor, a former minister for justice and solicitor-general for New South Wales and the first leader of the government in the Senate.

The Court remained comprised of three Justices until 1906 when it was increased to five. In 1912 an additional two Justices were appointed but during 1933, due to the financial stringencies of the Great Depression, the Court was reduced to six Justices when a vacancy was not filled. The Court was restored to its present seven Justices in 1946. Separate Court facilities were provided for the High Court in Sydney in 1923 and also in Melbourne in 1928.

Until those years the state Supreme Court facilities in those cities were used. The High Court's Principal Registry was located in Melbourne until 1973 then transferred to Sydney. The Court and its Principal Registry transferred to its permanent home in Canberra in May 1980. While most sittings are held in Canberra, the Court may sit in the capital cities of Queensland, South Australia, Tasmania and Western Australia. Also, applications for special leave to appeal to the Court are heard one day each month in Melbourne and Sydney and on occasions by video-link with Adelaide, Brisbane, Darwin, Hobart and Perth.

Appointment to the Court

Justices of the High Court are appointed by the Governor-General by Commission. The High Court of Australia Act requires the federal Attorney-General to consult with the attorneys-general of the states before an appointment to the Court is recommended. Until 1977, members of the High Court were appointed for life. However, following a referendum in 1977, all new Justices must retire at age 70. There are now no Justices with life appointments. One Justice, Albert Bathurst Piddington, resigned before taking his place on the bench. Six Chief Justices were appointed from outside the Court and six appointed from the High Court Bench.

Operation of the Court

The High Court of Australia deals with cases which come to it on appeal or which begin in the High Court itself. Cases which involve interpretation of the Constitution, or where the Court may be invited to depart from one of its previous decisions, or where the Court considers the principle of law involved to be one of major public importance, are normally determined by a Full Bench comprising all seven Justices if they are available to sit. Other cases which come to the High Court for final determination involve appeals against the decisions of the Supreme Court of the states and territories, of the Federal Court of Australia and of the Family Court of Australia and these are usually dealt with by a Full Court of five Justices. In addition there are certain matters which can be heard and determined by a single Justice.

The subject matter of the cases heard by the Court traverses the whole range of Australian law, including contract, company law, copyright, criminal law and procedure, tax law, insurance, personal injury, property law, family law, industrial practices and immigration law. Most of the Court's work relates to the hearing of appeals against decisions of other courts. There is no automatic right to have an appeal heard by the High Court and parties who wish to appeal must persuade the Court in a preliminary hearing that there are special reasons for the appeal to be heard. Decisions of the High Court on appeals are final. There are no further appeals once a matter has been decided by the High Court.

Rules of Court, which are made by the Justices, set out the procedural steps that legal practitioners must comply with in preparing a case for hearing, including the preparation of an appeal book. The appeal book, prepared by the appellant's legal practitioner, contains documents necessary for the Court to decide the questions raised in the appeal. During the hearing the parties present their arguments to the Court, usually through legal representatives. The Court rarely gives its decision (the judgment) at the end of the hearing. Rather, the decision is "reserved" and presented some time after the hearing. Each Justice makes his or her own decision on cases, and where decisions are not unanimous the decision of the majority prevails.

The usual practice is for Justices to prepare written reasons for their decision which are handed down by the Court at a later sitting. Printed copies of the judgments are given to the parties involved immediately after the decision is announced by the Court. Copies of judgments can be purchased from the Registry, or are available free of charge from the internet at www.hcourt.gov.au. The decisions are subsequently recorded in law reports and are now available on computerised legal databases. Decisions of the High Court are binding on all other courts throughout Australia.

The High Court Building

The High Court building located on the shores of Lake Burley Griffin is one of Canberra's major national buildings. Situated in the Parliamentary Zone, it is adjacent to the National Gallery and the National Portrait Gallery and close to the National Science and Technology Centre (Questacon) and the National Library. The building was opened by Her Majesty Queen Elizabeth II on 26 May 1980. The High Court building is a unique structure. It was designed by the architectural firm of Edwards Madigan Torzillo & Briggs Pty Ltd, the winners of a national competition. The 40-metre tall concrete and glass building comprises a number of major functional elements, namely a large Public Hall, three courtrooms, an administrative wing, and an area provided for the Justices.

The forecourt and main entrance of the building are approached via a long ceremonial ramp. A waterfall designed by Robert Woodward and constructed of South Australian speckled granite runs the full length of one side of the ramp. Most of the external and internal walls created by the 18,400 cubic metres of concrete used in the construction have been subjected to a process known as "bush hammering", carried out with a percussion instrument which has flaked the surface and exposed the aggregate.

The glazed areas totalling 4,000 square metres use steel frame supports which means that generous expansion allowances had to be provided to cope with Canberra's wide temperature range. A system was devised so that the glass in the walls can creep up or down according to the temperature changes and any movement in the concrete structure.



The Public Hall

The Public Hall is a large area with a 24-metre high ceiling supported by two large concrete pillars. The tiles on the floor are cut from Aurisina, an Italian marble, one of the very few imported materials in the building. Access to all three courtrooms is from the Public Hall, which is often used for cultural exhibitions and public functions. Located in the Public Hall is a display case containing interesting historical items and a theatrette featuring a short film about the Court's work.

Artworks

Several major works of art have been included in the building design. On the northern wall of the Public Hall is a mural designed by Jan Senbergs to reflect the history, function and aspirations of the High Court. Attached to what is called the Constitution Wall, the mural has six different sized panels linked by a central theme. Another mural, also by Jan Senbergs, located on the western or States Wall symbolises the role of the states in the federation and the significance of the High Court as the apex of the judicial system in Australia. The mural consists of six double panels, the tops of which have stylised state flag symbols.

The lower part of the double panel has an abstracted composition based on various images relating to each state. Outside Courtroom 1 there is a wax mural, by Bea Maddock, describing the events of the first sitting of the High Court at the Banco Court in Melbourne on 6 October 1903. On the outside wall of Courtroom 3 is a painting by Marcus Beilby depicting the first sitting of the High Court of Australia in Melbourne in 1903. Opposite is a painting by Robert Hannaford of the Court in session in Courtroom 1 in Canberra 2003.

The Courtrooms

The building contains three courtrooms of different sizes which are used for different purposes. Courtroom 1 is used on all ceremonial occasions and for all cases where a Full Bench of the seven Justices of the Court is required to sit. The wall panelling and gallery furniture are red tulip oak timber from Queensland and New South Wales.

The long curved bench and bar table are made of jarrah timber from Western Australia. Aurisina marble has been used on the floor as well as the face of the bench. Blackwood panels have been used in the ceiling of the room. A woven tapestry in the form of a banner incorporates the badges of the states from the Shield of Arms of the Commonwealth surmounted by the Crest of the Commonwealth. It was woven in the Victorian Tapestry Workshop in South Melbourne. Doors for each of the three courtrooms incorporate a special design, those of Courtroom 1 featuring a silvered bronze grid partly recessed and fixed into the laminated plate glass. The theme of the design is a shield, emphasising the Court's function as a protector of the Constitution and the liberties of the citizen. The door handles continue the emblematic design.



Courtroom 1

Courtroom 2 is generally used in cases where a Full Court of five Justices is sitting and is also used for hearing applications for special leave to appeal by video-link.

Courtroom 3 has been designed for matters dealt with generally by a single Justice. It has a jury box so that a trial can be conducted should such a case come before the Court. The courtroom has been furnished with coach wood timber with a ceiling mainly of glass which provides a high level of natural lighting.



Courtroom 3